

REMARKS

Initially, Applicants would like to express their appreciation to the Examiner for the detailed Official Action provided, and for the acknowledgment of consideration of Applicants' Information Disclosure Statement by including the Initialed Form PTO-1449 in the Official Action.

Claims 1-7 are currently pending. The Examiner has withdrawn claims 1-3 and 5-7 from consideration. Applicants respectfully request reconsideration of the outstanding rejections, and allowance of all the claims pending in the present application.

On pages 2 and 3 of the Official Action, claim 4 was rejected under 35 U.S.C. § 102(b) as being anticipated by SNODGRASS et al. (U.S. Patent No. 5,167,837).

Applicants respectfully traverse the rejection of claim 4 under 35 U.S.C. § 102(b).

Claim 4 recites, inter alia, "the discharge pressure regulating device includes an actuator and a diaphragm which is engaged by said actuator and which transforms under influence of said actuator and increases and decreases capacity inside said pressurized chamber."

Applicants submit that SNODGRASS et al. lacks any disclose of a discharge pressure regulating device which includes *a diaphragm which is engaged by an actuator*, as recited in claim 4. In this regard, Applicants note that the diaphragm 126 in SNODGRASS et al. is clearly not engaged by an actuator. Instead, it is clear from the disclosure of SNODGRASS et al. that the diaphragm 126 is only acted upon by hydraulic fluid, and not by being *engaged by an actuator*.

In contrast, the Examiner's attention is directed, for example, to the embodiments shown in Figures 3 and 4 of the present application, in which actuators 7a engage diaphragms 7b. Applicants submit that such engagement of a diaphragm by a structural actuator (as recited in the claim) is beneficial in discharging relatively viscous materials, whereas the system of SNODGRASS et al. (in which a diaphragm is only acted upon by hydraulic fluid) is specifically designed for the discharge of less viscous materials.

Applicants further note that none of the portions of SNODGRASS et al. specifically pointed out the Examiner discuss or disclose the diaphragm 126 being engaged by an actuator. Applicants request that the Examiner indicate which portion of the disclosure of SNODGRASS et al. he intends to rely upon for such teaching if he intends to maintain the current rejection.

Applicants respectfully submit that the rejection of claim 4 under 35 U.S.C. § 102(b) based on SNODGRASS et al. is improper at least for each and certainly for all of the above-noted reasons. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under 35 U.S.C. § 102(b), and an early indication of the allowance of this claim.

SUMMARY AND CONCLUSION

Entry and consideration of the present remarks, reconsideration of the outstanding Official Action, and allowance of the present application and all of the claims therein are respectfully requested and now believed to be appropriate.

Applicants have made a sincere effort to place the present application in condition for allowance and believe that they have now done so.

Should there be any questions or comments, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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